IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 5187 of 1999

Between:

Uttara Brahmanapalle Gram Panchayath, rep. by its Sarpanch, V.Damodaram, The Vanampalle Mandal, Chittoor District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh rep by its Secretary, Panchayath Raj (Rural) Development and Relief Department, Secretariat Buildings, Hyderabad.
2. The District Collector (Panchayath Wing), Chittoor, Chittoor District.
3. The District Panchayath Officer, Chittoor, Chittoor District.
4. Eguvamaredupalle Gram Panchayath, rep by its Sarpanch, Thevanampalle Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction, directing the respondents to delete the survey number where Bush Boke Essence factory, Mosaic Chips factory, Uttarabrahmanapalle Primary Agricultural Cooperative Society Building and six houses situate near Uttarabrahmanapalle bus stop on Chittoor-Aragonda Road and include the same in Uttarabrahmanapalle Gram Panchayat by declaring the action of the respondents in including the above said area in Eguva Maredupalle Gram Panchayat by the District Collector in proceedings Roc.No.2447/95-A1(PH) dt.8-11-1998 as illegal, arbitrary and contrary to rules.

Counsel for the Petitioner: MR.S.RAMA MOORTHY REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ

The Court made the following :

ORDER:

The District Collector, Chittoor in exercise of powers under A.P.Gram Panchayats (Declaration of Villages) Rules, 1969 (for brevity, 'the Rules') issued a notification vide proceedings Roc.No.2447/95B4 (Pts) dated 12.05.1995 bifurcating Uttarabrahmanapalle village in Thavanampalle Mandal, duly constituting Uttarabrahmanapalle Gram Panchayat and Eguva Maredupalle Gram Panchayat. The areas and lands in Diguva Maredupalle, Diguva Maredupalle Harijanwada, Nadim Maredupalle, Eguva Maredupalle and Eguva Maredupalle Harijanwada, were included within the jurisdiction of Eguva Maredupalle and Uttarabrahmanapalle was constituted as a separate village with a residuary area. By another proceedings in Roc.No.2447/95-A1 (Pts) dated 08.11.1998 purporting to exercise powers under Section 3 of the A.P.Panchayat Raj Act, 1994 (for short, the Act), the District Collector ordered that two Gram Panchayats to exercise jurisdiction in terms of Survey Numbers as specified in the Schedule thereto. The lands in Survey Nos.1 to 217 and 498 to 513 were included in Uttarabrahmanapalle Gram Panchayat and the lands in Survey Nos.218 to 497, 514 to 558 and 566 to 568 were brought within the jurisdiction of Eguva Maredupalle Gram Panchayat. Aggrieved by the said notification, Uttarabrahmanapalle Gram Panchayat has filed the present writ petition seeking a writ of mandamus declaring the orders of the District Collector as illegal and arbitrary.

It is the contention of the learned counsel for the petitioners that in certain Survey Numbers, which are situated in Eguva Maredupalle village, some of the villagers have raised constructions and residing thereon, but those lands stand included within the jurisdiction of Eguva Maredupalle, their names were included in the voters list of Uttarabrahmanapalle. According to the learned counsel, this would clinchingly show that the lands where certain factories are situated must be included in Uttarabrahmanapalle Gram Panchayat and not in Eguva Maredupalle Gram Panchayat.

The question raised herein is a question to be decided based on administrative exigencies. Presumably, the District Collector keeping these aspects in the matter has passed the orders. Under Rule 10 of the Rules, if any Gram Panchayat is aggrieved by the notification issued by the Collector, either under Section 3 of the Act or under the relevant Rules, such Gram Panchayat may prefer revision to the

Government within ten days. The petitioner has not availed the revision and straight away approached this Court. As it is merely a question of fact to be verified, this Court is not inclined to entertain the writ petition. However, liberty is given to the petitioner to approach the Government by way of revision petition. Such revision shall be filed by the Gram Panchayat only if the present Gram Panchayat passed a resolution authorising the Sarpanch to file a revision.

The writ petition, with the above observations, is disposed of.

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(V.V.S.RAO,J)

10.08.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Panchayath Raj (Rural) Development and Relief Department, Government of A.P., Secretariat Buildings, Hyderabad.
2. The District Collector (Panchayath Wing), Chittoor, Chittoor District.
3. The District Panchayath Officer, Chittoor, Chittoor District.
4. 2 CCs to the Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.